

House Bill 361  
March 10, 2011  
Presented by Dave Risley  
Senate Fish and Game Committee

Mr. Chairman and committee members, I am Dave Risley, Fish and Wildlife Division Administrator of Montana Department of Fish, Wildlife & Parks (FWP). I am here in opposition of House Bill 361.

HB361 prohibits the FWP Commission from limiting or reducing the number of archery-only elk permits available in a hunting district from the number issued for that district in 2007 or implement limited-entry archery-only elk permits in a district in which archery-only elk permits were not required in 2007. This bill is in direct response to the Commission decision in 2008 to move from unlimited over-the-counter archery bull permits to limited archery bull (either-sex) permits in all hunting districts where the general rifle season for bull elk required a limited permit. This was done to address issues ranging from hunter crowding, to management effectiveness to equity in allocation of harvest - that is, a fair allocation of permits - this bill will have no impact on overall elk numbers since the issue is bull elk permits.

It needs to be very clear that the archery permits we are talking about are BULL ELK permits, primarily in the Missouri River Breaks. In the Missouri River Breaks hunting districts, there are many trophy-class bull elk that are highly prized by hunters. So much so that there are a very limited amount of general season rifle permits that are among the most sought-after of all elk permits. Until the 2008 season, there were unlimited archery permits available for these same bulls while a rifle hunter had about a 2% chance of success. There were significant increases in archery hunters seeking these trophy bulls, resulting in overcrowding complaints, equity issues across user groups, redistribution of elk, and impacts to management effectiveness. And while archery hunter success is less than rifle hunter success, the overall number of bull elk taken by archers was beginning to exceed that taken by rifle hunters just because of the sheer number of archery hunters.

To address these issues before they became greater and more difficult to manage, the FWP Commission implemented limited archery permits in these units beginning with the 2008 season. To be consistent and to head off similar potential issues elsewhere, the Department recommended and the FWP Commission approved limiting archery bull permits in any hunting district with limited rifle permits.

The process resulting in these changes was very open and very broad. It included two lengthy FWP Commission hearings open to public comment, a 43-day public comment period and 44 different season-setting meetings held across the state. In total, public input included review of over 1,800 written comments, significant verbal testimony at the 2 FWP Commission hearings and attendance of approximately 2,000 people at the meetings held across the state.

There have been questions as to why FWP would limit the number of permits in hunting districts that are over objective. Again, to be clear, the permits that were limited were BULL permits. Bull harvest has very little effect on population size. Population size is most effectively influenced by antlerless harvest. In those districts that are over objective, antlerless opportunity for both archery and rifle is very liberal or unlimited. It should also be noted that many of these units were over objective in 2007 in spite of—if not because of—the previous structure when there were unlimited or no permits.

Additionally, as the archery season is before the rifle season, archers can negatively influence later rifle hunting opportunities that typically contribute the most towards antlerless harvest and population management. This negative impact by archery harvest on rifle hunters can occur via direct earlier archery

harvest of high-value bulls and/or elk distribution shifts in response to early archery hunting pressure that can essentially negate opening day for rifle hunters. Again, it is important to recognize that archery harvest is not the greatest contribution to antlerless harvest *even with* the current liberal or unlimited antlerless elk harvest opportunity for archers in many of these districts.

While not the singular cause, unlimited bull elk harvest opportunity—especially for highly valued older-aged bull elk—is fully capable of encouraging “refuge” areas via management decisions for exclusive elk hunting opportunity. Any intent to have elk consistently available for such exclusive hunting opportunities can be counter to management objectives that are dependent upon sufficient hunter harvest. To be clear, limited permits do not and cannot prohibit exclusive access scenarios that preclude effective management. However, the random permit allocation resulting from a limited permit structure does reduce the season structure’s contribution to such circumstances.

Although varying opinions and definitions exist for “hunt quality”, this concept along with “crowding” was and continues to be a growing theme commonly expressed in public comment across a diversity of topics. Recognizing the need to maintain management effectiveness, the implementation of a permit structure allows for the potential adjustment of hunter numbers in response to public interest for higher quality experiences with respect to available access points, camp sites, harvest opportunities and the overall number of people in an area. A prescription fixed in statute removes this flexibility.

Older-aged bulls are intentionally maintained by restricting harvest. The implementation of limited bull elk archery permits, while contentious, was the product of significant and established public process directed at the increasing participation in archery hunting, maintaining quality hunting opportunities, effectively managing big game populations on private and public lands and dealing with allocation issues between various user groups. HB361 would undo that decision and would in its place apply in statute a fixed structure that ignores biological data, social pressures, and public process. For these reasons, FWP respectfully requests a Do Not Pass on SB361.

Elk rifle and archery bull permits, 2007 and 2010.

Hunting Districts (HDs)	2007 rifle bull permits (Res/NonRes)	2007 archery bull permits or archers assumed from 2008 application (Res/NonRes)	2010 rifle bull permits (Res/NonRes)	2010 archery bull permits (Res/NonRes)
HDs 410, 417	200 (186/14)	2150 (1583/567)	155 (144/11)	1800 (1624/176)
HDs 620, 621, 622	170 (164/6)	1715 (1165/550)	170 (164/6)	1260 (1138/122)
HDs 700, 701	200 (180/20)	1032 (760/272)	250 (225/25)	600 (540/60)
HDs 401, 403, 450	35 (34/1)	235 (213/22)	35 (34/1)	220 (205/15)
HDs 411, 412, 426, 511, 530	270 (245/25)	649 (493/156)	270 (255/15)	750 (675/75)
HDs 420, 447, 455	230 (215/15)	595 (527/68)	229 (219/10)	630 (567/63)
HDs 500, 570	35 (35/0)	107 (97/10)	45 (44/1)	150 (135/15)
HDs 502, 510, 520, 575	40 (40/0)	110 (107/3)	40 (39/1)	80 (72/8)
HD 580	40 (38/2)	72 (62/10)	40 (39/1)	110 (99/11)
HD 590	230 (214/16)	313 (218/95)	280 (258/22)	400 (351/49)
HDs 702, 704, 705	150 (142/8)	591 (477/114)	175 (165/10)	640 (576/64)

Elk rifle and archery bull permits, application numbers and relative index to drawing odds, 2007 and 2010

Hunting Districts (HDs)	2007 rifle bull permits {Res/NonRes applicants} *	2007 archery bull permits {Res/NonRes applicants} *	2010 rifle bull permits {Res/NonRes applicants} *	2010 archery bull permits {Res/NonRes applicants} *
HDs 410, 417	200 {6768/503} 3%	2150 {1583/567} 100%	155 {7329/721} 2%	1800 {2008/722} 66%
HDs 620, 621, 622	170 {5401/414} 3%	1715 {1165/550} 100%	170 {7865/799} 2%	1260 {1420/597} 62%
HDs 700, 701	200 {2171/344} 8%	1032 {760/272} 100%	250 {2753/549} 8%	600 {661/431} 55%
HDs 401, 403, 450	35 {535/26} 6%	100%	35 {834/20} 4%	220 {220/15} 94%
HDs 411, 412, 426, 511, 530	270 {2144/244} 11%	100%	270 {2739/284} 9%	750 {827/226} 71%
HDs 420, 447, 455	230 {2863/236} 7%	100%	229 {3715/349} 6%	630 {878/113} 64%
HDs 500, 570	35 {474/14} 7%	100%	45 {631/39} 7%	150 {151/19} 88%
HDs 502, 510, 520, 575	40 {589/20} 7%	100%	40 {812/36} 5%	80 {155/14} 47%
HD 580	40 {283/37} 13%	100%	40 {392/56} 9%	110 {126/19} 76%
HD 590	230 {1317/119} 16%	100%	280 {1374/157} 18%	400 {351/127} 84%
HDs 702, 704, 705	150 {1541/165} 9%	100%	175 {2206/342} 7%	640 {705/244} 67%